

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Denet Towing Service, Inc.)	
Licensee of Maritime Radio Station WDC2374)	File No. EB-FIELDSCR-13-00011313
Owner of Vessel "Ocean Pride")	
Boothville, Louisiana)	NOV No. V201332620029
)	

NOTICE OF VIOLATION

Released: September 24, 2013

By the Deputy Regional Director, New Orleans Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Denet Towing Service, Inc., licensee of Maritime Radio Station WDC2374, and owner of the vessel "Ocean Pride," located in Boothville, Louisiana. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On September 9, 2013, in response to an interference complaint, an agent of the Commission's New Orleans Office used direction finding techniques and identified the source of the interference as the "Ocean Pride" docked at the approximate location of 29°15'30"N, 89°21'27"W in Venice, Louisiana. The following violation was observed:

- a. 47 C.F.R. § 80.89 (d): "Stations must not: When using telephony, transmit signals or communications not addressed to a particular station or stations. This provision does not apply to the transmission of distress, alarm, urgency, or safety signals or messages, or to test transmissions." The agent determined that a VHF transmitter installed on the "Ocean Pride" was transmitting a continuous unmodulated carrier on VHF Marine Channel 16 (156.8 MHz), the International and Distress Calling Frequency. The transmission was not conducted as a test or for distress or emergency purposes.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, Denet Towing Service, Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific actions taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Denet Towing Service, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Denet Towing Service, Inc. with personal knowledge of the representations provided in Denet Towing Service, Inc.'s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. The replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
New Orleans Office
2424 Edenborn Ave.
Suite 460
Metairie, LA 70001

6. This Notice shall be sent to Denet Towing Service, Inc. at its address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'. " 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974 requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Loyd Perry
Deputy Regional Director
New Orleans District Office
South Central Region
Enforcement Bureau